

Appl. No. 09/862,987
Amdt. dated November 24, 2004
Reply to Office Action of August 24, 2004

PATENT

REMARKS/ARGUMENTS

Amendments

The claims are modified in the amendment. More specifically, claims 1, 2, 5, 11, 15, 17, 18, 21, and 24 have been amended and new claims 25-28 have been added. Therefore, claims 1-28 are present for examination. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

35 U.S.C. §102 Rejection, Maslov

The Office Action has rejected claims 1-7, 9-16, 21 and 24 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 6,538,673 to Maslov (hereinafter "Maslov"). Maslov does allow use of a keyboard or mouse clicks to select items in the hierarchy, but little else can be discerned from the three sentences that describe this. Maslov, col. 5, lines 49-53; col. 8, lines 42-43. Applicants believe that far too much is being read into these three sentences. Indeed, amended claims 1, 11, 18 and 24 make clear that the selection control is a soft control displayed on screen and not a physical control such as a keyboard or mouse button taught in Maslov.

The dependent claims provide further allowable subject matter. Amended claims 2, 15 and 21 make clear that the content of the unit can trigger a message alert unlike Maslov that polls and updates the snippet information without any notification. Maslov, col. 6, lines 5-13.

The Office is charged with giving the claims their broadest *reasonable* interpretation when determining claim scope. Reconsideration of the rejection is respectfully requested.

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35 U.S.C. §103 Rejection, Maslov in view of W3C's "HTML 4.0 Specification"

The Office Action has rejected claims 17-20 and 22-23 under 35 U.S.C. §103(a) as being unpatentable over Maslov in view of the cited portions of W3C's, "HTML 4.0 Specification: Chapter 18: Scripts," 04/24/98, <http://www.w3.org/TR/1998/REC-html40-19980424/interact/scripts.html>, pp. 1-9 to (hereinafter "W3C's"). Applicants believe a motivation to combine these references is not properly set forth in the Office Action. General knowledge to use a particular known element does not provide motivation for the particular combination suggested in the Office Action. Indeed, embedding scripts in web pages are known for designers of web pages, but embedding scripts that ease snippet selection is not known. A proper obviousness rejection requires some suggestion that would lead one of ordinary skill in the art to embed scripts for the specific purpose of snippet selection. Reconsideration of the rejection is respectfully requested.

35 U.S.C. §103 Rejection, Maslov

The Office Action has rejected claims 8 under 35 U.S.C. §103(a) as being unpatentable over Maslov and apparent Official Notice. Claims 8, 25 and 27 teach use of a sliding scale for snippet selection which doesn't appear anywhere in Maslov. Applicants believe a motivation to combine these references is not properly set forth in the Office Action. General knowledge to use a particular known element does not provide motivation for the particular combination suggested in the Office Action. Indeed, sliding scale controls are known in application software, but use of a sliding scale for navigating a hierarchy is not known. Maslov uses a keyboard or mouse buttons for snippet selection without contemplation of a screen displayed soft control. A proper obviousness rejection requires some suggestion that would lead one of ordinary skill in the art to use a sliding scale for the specific application of navigating a hierarchy with a soft control. Reconsideration of the rejection is respectfully requested.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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